

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: David E. MCDYSAN	Confirmation No.: 7586
Application No.: 09/723,481	Group Art Unit: 2155
Filed: November 28, 2000	Examiner: Bates, K.
Customer No.: 25537	

For: PROGRAMMABLE ACCESS DEVICE FOR A DISTRIBUTED NETWORK ACCESS  
SYSTEM

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

This Response is submitted in support of the Notice of Appeal dated November 29, 2007, and in response to the Notification of Non-Compliant Appeal Brief dated October 21, 2008.

With regard to the Notification of Non-Compliant Appeal Brief of October 21, 2008, the Notification states that “The status of claims (15 and 39) has to be identified” in the “Status of Claims” section of the Appeal Brief.

This Notification appears to be in error as reference to the “Status of the Claims” section at page 2 of the Appeal Brief of September 29, 2008 clearly shows that the Appeal Brief does indicate that “Claims 1-14, 16-38, and 40-50 are pending in this appeal, **in which claims 15 and 39 have earlier been canceled.**”

Thus, the status of claims 15 and 39 is clear and withdrawal of the Notification of Non-Compliant Appeal Brief is respectfully requested.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

November 20, 2008

Date

/Phouphanomketh Ditthavong/

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